



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession pursuant to section 55(2) and;
- authorization to recover the filing fee for this application from the tenant.

The tenant did not attend this hearing. The landlord's agent attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The agent gave written evidence and sworn oral testimony that copies of the landlord's dispute resolution hearing package was sent to the tenant by registered mail on August 26, 2022. In accordance with sections 89 and 90 the *Act*, I find that the tenant is deemed served with the landlord's dispute resolution hearing package and application five days later on August 31, 2022. The hearing proceeded and completed on that basis.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the filing fee for this application?

Background and Evidence

The agent gave the following testimony. JZ testified that the tenancy began on May 1, 2017. Rent in the amount of \$2001.58 is payable in advance on the first day of each month. The tenant paid a security deposit of \$925.00 that the landlord still holds. The

landlord issued a One Month Notice to End Tenancy for Cause on May 31, 2022 for the following reason:

(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,

JZ testified that his company began managing this property in October 2021. JZ testified that since taking over, he has been “flooded” with complaints from other tenants about the behaviour of the subject tenant. JZ noted the reason for filing this application as noted on their application :

“The tenant has been disturbing other tenants by making noise during quiet hours. The issues include but are not limited to door banging, screaming, ranting, intimidating site staff by showing knives, etc.”

JZ testified that he has received 19 written complaints about the tenant. JZ testified that he has issued five warning letters to the tenant with no change in her behaviour. JZ requests an order of possession.

Analysis

When a landlord issues a notice under section 47 of the Act they must provide sufficient evidence to justify the issuance of that notice. The landlord has provided sufficient evidence to show that the tenant has *significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property*. The tenant has not filed an application to dispute the notice, has not submitted any disputing evidence or participated in this hearing. Based on the documentation before me and in the absence of any disputing evidence, I find that the landlord is entitled to an order of possession. The form and content of the Notice is in accordance with section 52 of the Act. The One Month Notice to End Tenancy for Cause dated May 31, 2022 is in full effect and force. The tenancy is terminated. The landlord is entitled to retain \$100.00 from the security deposit for the recovery of the filing fee for this application.

Conclusion

The landlord is granted an order of possession.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 09, 2023

Residential Tenancy Branch